

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

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HILDA L. SOLIS, Secretary of Labor,  
United States Department of Labor,

Plaintiff,

v.

Civil Action No. 2:12-cv-1224

LOS JALAPENOS MEXICAN  
RESTAURANT & CANTINA, LLC,  
a Limited Liability Company,

Defendant.

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**CONSENT JUDGMENT**

Plaintiff has filed her complaint and defendant, without admitting any of the allegations in the complaint, waives issuance and service of process, acknowledges receipt of a copy of the Complaint filed herein, waives Answer and all defenses to the Complaint, and without further pleadings agrees to the entry of this Judgment in accordance with the Stipulation between the parties filed herein. It is therefore, upon motion of the attorney for Plaintiff, and for cause shown:

ORDERED, ADJUDGED, AND DECREED that Defendant, its agents, servants, employees and those in active concert with it, are permanently enjoined and restrained from violating the provisions of §15(a)(2) and §15(a)(5) of the Fair Labor Standards Act of 1938, hereinafter referred to as the Act, in any of the following manners:

(1) Defendants shall not, contrary to Section 6 of the Act, pay any of its employees engaged in commerce or in the production of goods for commerce, or employed in an enterprise engaged in commerce or in the production of goods for commerce within the meaning of the Act as aforesaid, wages at less than the applicable minimum wage.

(2) Defendant shall not contrary to Section 7 of the Act, employ any of its employees engaged in commerce or in the production of goods for commerce, or employed in an enterprise engaged in commerce or in the production of goods for commerce, as defined by the Act, for workweeks longer than forty (40) hours, unless the employee receives compensation for his employment in excess of forty (40) hours at a rate not less than one and one-half times the regular rate at which he is employed.

(3) Defendant shall not fail to make, keep and preserve records of its employees, and of the wages, hour and other conditions and practices of employment maintained by it, as prescribed by the regulations of the Administrator or the Secretary of Labor issued, and from time to time amended, pursuant to Section 11(c) of the Act, and found in Title 29, Chapter V, Code of Federal Regulations, Part 516. Defendant represents that it has installed time clocks in the workplace and is keeping an accurate record of hours worked by employees.

It is FURTHER ORDERED that the Plaintiff recover from Defendant the total sum of \$29,411.34 representing back wages and interest, for which execution may issue, to be distributed to Defendant's employees listed in the Exhibit "A" attached hereto in the amounts set forth following each employee's name.

Defendants shall make payment to the Plaintiff for disbursement as prescribed by law. Any money not so distributed by the Plaintiff within a reasonable time because of Plaintiff's failure to locate the proper person or because of such person's refusal to accept such money shall

be covered into the Treasury of the United States as miscellaneous receipts. It is further ORDERED, ADJUDGED, AND DECREED that the Exhibit "A" attachment to this judgment be, and hereby is incorporated in and made a part of this Judgment.

Defendant shall not request, solicit, suggest, or coerce, directly or indirectly, any employee to return or offer to return to the Defendant or to someone else for the Defendant, any money in the form of cash, check, or any other form, for wages previously due or to become due in the future to said employee under the provisions of this Judgment or the Act; nor shall Defendant accept, or receive from any employee, either directly or indirectly, any money in the form of cash, check, or any other form, for wages heretofore or hereafter paid to said employee under the provisions of this judgment or the Act except to the extent such funds are deposited in an employee's 401(k) account; nor shall Defendant discharge or in any other manner discriminate, nor solicit or encourage anyone else to discriminate, against any such employee because such employee has received money due to him from the Defendant under the provisions of this judgment.

It is further ORDERED ADJUDGED AND DECREED that no costs are allowed.

Dated: 1/2/13 .2012:

  
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U.S. DISTRICT COURT JUDGE

s/ Timothy J. Owens  
TIMOTHY J. OWENS  
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Lane Alton & Horst, LLC  
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s/ Sandra B. Kramer  
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OF COUNSEL:  
BENJAMIN T. CHINNI  
Associate Regional Solicitor

**EXHIBIT "A"****1356 N. Hamilton Road, Gahanna, Ohio 43230**

<b><u>NAME</u></b>	<b><u>PERIOD COVERED</u></b>	<b><u>GROSS AMOUNT DUE W/INTEREST</u></b>
Baker, Dan	04/24/10-05/01/10	\$23.54
Gomez, Nercy	07/17/10-07/24/10	\$32.98
Hernandez, Yunia	01/03/09-01/10/09	\$232.00
Hollenhouse, Melissa	05/08/10-05/15/10	\$42.92
Morales, Rene	11/22/08-11/29/08	\$281.97
O'Neil, Katie	04/10/10-04/17/10	\$39.01
Ross, Ashley	06/19/10-07/24/10	\$48.84
Soto, Edelmira	04/25/09-05/16/09	\$464.00
Trejo, Freddy	02/28/09-03/07/09	\$521.85
Valdivia, Adrian	11/22/08-12/27/08	\$503.15
<b>TOTAL:</b>	<b>TOTAL:</b>	<b>\$2,190.26</b>

**EXHIBIT "A"****1566 Stringtown Road, Grove City, Ohio 43123**

<b><u>NAME</u></b>	<b><u>PERIOD COVERED</u></b>	<b><u>GROSS AMOUNT DUE W/INTEREST</u></b>
Abbott, Robert	02/14/09-02/21/09	\$72.42
Brill, Aaron	01/31/09-02/07/09	\$45.07
Cano, Franklin	05/01/10-07/10/10	\$119.77
Dingledine, Kylie- Jo	04/25/09-05/02/09	\$70.84
Eguez, Walter	09/27/08-03/20/10	\$7,116.09
Garcia, Pablo	12/19/09-07/10/10	\$2,051.20
Garver, Brittany	04/10/10-07/10/10	\$39.33
Guerra, Roger	02/13/10-04/17/10	\$85.28
Hackney, Michelle	12/06/08-12/13/08	\$61.11
Holobaugh, Karen	11/01/08-11/08/08	\$43.78
Lopez, Rutillo	10/11/08-07/10/10	\$4,834.72
Mandeville, Jessica	11/01/08-12/13/08	\$209.39
Martinez, Jose	11/22/08-02/21/08	\$465.48
Martinez, Miriam	06/19/10-07/10/10	\$25.79
Mireles, Jorge	10/11/08-10/18/08	\$47.35
Morales, Jaime	01/31/09-03/07/09	\$89.94

Muncy, Amberlyn	05/08/10-06/12/10	\$22.62
Todd, Kelsey	02/27/10-03/06/10	\$52.38
Torres, Maria	01/16/10-06/26/10	\$163.12
Valdes, Radames A	09/12/09-07/24/10	\$2,543.68
<b>TOTAL:</b>	<b>TOTAL:</b>	<b>\$18,159.36</b>

**EXHIBIT "A"****8134 E. Broad Street, Reynoldsburg, OH 43068**

<b><u>NAME</u></b>	<b><u>PERIOD COVERED</u></b>	<b><u>GROSS AMOUNT DUE W/INTEREST</u></b>
Bernor, Nelson	06/05/10-06/12/10	\$38.91
Brugger, Zachary	06/05/10-06/12/10	\$91.55
Castro, Andres	01/02/10-07/24/10	\$94.04
Castro, Isaac	01/02/10-06/26/10	\$332.15
Cordero, Erick	05/08/10-07/24/10	\$62.10
D'Andrea, Giana	01/16/10-07/10/10	\$43.02
Eguez, Hugo	01/16/10-02/06/10	\$27.71
Garcia, Jonathan	09/26/09-02/20/10	\$65.91
Hernandez, Miguel	04/10/10-04/17/10	\$64.39
Hernandez, Roberto	07/03/10-07/24/10	\$45.00
Hurst, Adam	07/03/10-07/24/10	\$98.33
Jimenez, Jacobo	09/27/08-01/09/10	\$2,548.37
Kozar, Julianne	11/15/08-11/22/08	\$83.02
Lopez, Diego	12/06/08-07/24/10	\$1,377.94
Martinez, Miriam	06/05/10-06/12/10	\$23.51
Monroy, Alex	01/30/10-07/24/10	\$1,279.60
Moran, Barbara	05/15/10-05/22/10	\$29.65
Murray, Mike	06/05/10-06/12/10	\$41.42
Pannell, Kaile	06/19/10-06/26/10	\$42.97
Raderstorf, Jonathan	03/27/10-05/29/10	\$22.50
Salamanca, Genesis	11/22/08-12/27/08	\$235.39
Salgado, Julio	05/08/10-05/15/10	\$45.78
Sanchez, Johnny	01/16/10-02/06/10	\$29.91
Sasfy, Thomas	06/19/10-07/24/10	\$36.47
Toral, Catusca	03/13/10-05/01/10	\$93.52
Torres, Johana	05/22/10-07/24/10	\$110.53
Torres, Maria	05/22/10-06/12/10	\$55.55
Trujillo, Oscar	02/27/10-03/06/10	\$39.71
Ware, Julia	06/19/10-07/24/10	\$55.33

Zumudio, Franisco	12/06/08-05/29/10	\$1,343.41
Zarraga, Thais	08/15/09-08/22/09	\$31.92
Zauala, Juanita	10/04/08-06/27/09	\$572.61
<b>TOTAL:</b>	<b>TOTAL:</b>	<b>\$9,061.72</b>